

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION  
CIVIL DIVISION**

**JENNIFER MYERS**

**Plaintiff,**

**-vs-**

**MONTGOMER COUNTY BOARD  
OF COMISSIONERS, et al.**

**Defendants.**

\* **Case No. 3:18-cv-409**

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\* **Judge Thomas Rose**

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**ANSWER OF DEFENDANT FRANCO RODIO VILLELLA**

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Now comes Defendant Franco Rodio Villella, by and through counsel, and for his Answer to the Complaint filed herein states as follows:

1. Defendant admits the allegations set forth in paragraphs 6, 8, 37, 69 of Plaintiff's Complaint.
2. Defendant denies the allegations set forth in paragraphs 1-5, 7, 16-17, 21-23, 29-36, 40-43, 70-72, 90-95 of Plaintiff's Complaint for lack of knowledge.
3. Defendant denies the allegations set forth in paragraphs 10-14, 15, 18-20, 24-28, 38-39, 45-47, 49-60, 62-67, 74-78, 80-88, 97-109, 111-116, 118-120 of Plaintiff's Complaint.
4. Defendant admits and denies the allegations set forth in paragraphs 44, 48, 61, 68, 73, 79, 89, 96, 110, 117 of Plaintiff's Complaint as set forth above.
5. Defendant denies that Plaintiff is entitled to any relief of any kind whatsoever and requests that this Court dismiss this matter in its entirety and order that Plaintiff pay Defendant's attorney fees and costs in having to respond to in this action.

**FIRST AFFIRMATIVE DEFENSE**

Defendant states that Plaintiff's Complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendant states that Plaintiff's claims are barred because the Plaintiff has failed to mitigate her damages.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims and damages, if any, were caused by superseding causes outside of Defendant's control.

**FOURTH AFFIRMATIVE DEFENSE**

Any actions complained of by Plaintiff were as a result of a calculated plan to entrap Defendant.

**FIFTH AFFIRMATIVE DEFENSE**

At all times material hereto, Defendant was acting within the scope of his employment.

**SIXTH AFFIRMATIVE DEFENSE**

Defendant hereby gives notice and reserve the right to rely on such other defenses that become available and apparent through the discovery process, and Defendant reserves the right to amend his Answer to Plaintiff's Complaint accordingly.

Respectfully submitted,

/s/ P.J. Conboy

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/s/ Mark A. Fisher

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**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing was filed on this 25<sup>th</sup> day of January 2019 via the Court's ECF system and served upon all counsel of record.

Respectfully submitted,

/s/ P.J. Conboy

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